IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

**CRP.No. 2540 of 2001(A)**

**----------**

*(I.A.NO.6211 OF 2001 IN OS.261/1999 of I ADDL.MUNSIFF COURT, ,ERNAKULAM )*

REVN. PETITIONER/PETITIONER/PLAINTIFF:
---

KARTHYAYANI, AGED 68,
W/O. LATE VALLON, PURAKKATTIL THADATHIL HOUSE,
PULIKKAMALI P.O., MULAMTHURUTHY VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS: RESPONDENT/DEFENDANTS
---

1. GRAMODYANA SCHEDULE CASTE HANDLOOM WIEVERS., CO-OPERATIVE SOCIETY H.IND (E) 161, PULIKKAMALI-682314, ERNAKULAM REP. BY ITS SECRETARY.

2. SREE SUBRAMANYA KSHETHRA DARMA PARIPALANA SANGOM, REG.NO.ER.470/93, PULIKKAMALI-682 314, REP. BY ITS SECRETARY.

BY ADV. SRI.T.B.THANKAPPAN
ADV. SRI.V.P.RAMESAN
ADV. SRI.VARGHESE POTHAN
ADV. SMT.K.DEEPA
ADV. SMT.K.L.ROOPA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/12/2007, ALONG WITH CRP.NO. 256 OF 2002, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**C.R.P.NO. 2540 OF 2001**

**ORDER ON C.M.P.No. 5389 OF 2001 IN C.R.P.NO. 2540 OF 2001**

DISMISSED.

07.12.2007 SD/- K.T. SANKARAN, JUDGE.

/TRUE COPY/

P.A. TO JUDGE.

**K.T. SANKARAN, J.**

**.....**

**C.R.P. Nso. 2540 OF 2001 & 256 OF 2002**

**.....**

**Dated this the 7th December, 2007**

**O R D E R**

The plaintiff in O.S.No. 261 of 1999 on the file of the court of the II Addl. Munsiff, Ernakulam challenges in C.R.P.No. 256 of 2002 the order in I.A.Nos. 6212 of 2001 and 6213 of 2001. She challenges the order in I.A.No. 6211 of 2001, in C.R.P.No. 2540 of 2001.

2. In the suit, evidence was commenced . P.Ws. 1 to 5 were examined on the plaintiff's side. D.W.1 was examined and the case was posted for further evidence. On the ground that D.W.1 was pretending ignorance about Exts. A4 to A6 letters issued by the District Scheduled Caste Welfare Officer to the first respondent, the plaintiff filed I.A.No. 6211 of 2001 to accept the additional witness list , I.A.No. 6212 of 2001 to re-open the evidence and I.A.No. 6213 of 2001 for a direction to the witnesses in the additional witness list to produce all the files regarding Exts. A4 to A6. The court below dismissed I.A.NO. 6212 of 2001, the application to re-open the evidence by order dated 19th September, 2001 and consequently, on the same date dismissed I.A.No. 6213 of 2001, the application for a direction to the witnesses to produce certain documents. On 19th September, 2001, the court below dismissed I.A.No.6211 of 2001, the application to accept the additional witness list on the ground that the application to re-open the evidence was already dismissed. All these orders are under challenge in these two Civil Revision Petitions.

3. The orders impugned in these revisions are not revisable as the requirements of the provisions of Section 115 of the Code of Civil Procedure are not

satisfied. As held by the Supreme Court, an order passed by a subordinate court cannot be interfered with in a revision under Section 115 of the Code of Civil Procedure, unless the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit or other proceedings. This test is not satisfied in the case on hand. Even if the Civil Revision Petitions are allowed and all the three impugned orders are set aside , a finality would not be arrived at in respect of the suit.

4. Moreover, the court below was right in holding that the evidence cannot be re-opened for the reasons stated by the petitioner, at the fag end of the trial . The petitioner cannot get the evidence re-opened, to summon documents and witnesses to contradict certain answers given by D.W.1. If such a practice is adopted, there would be no end for any trial in civil cases. The court below was fully justified in dismissing all the applications. No interference is called for in these revisions. I do not think that even the jurisdiction under Article 227 of the Constitution of India can be invoked to upset the orders passed by the court below.

For the aforesaid reasons, the Civil Revision Petitions are dismissed. No order as to costs.

**K.T. SANKARAN,**
**JUDGE.**

**lk**

**K.T. SANKARAN, J.**

**.....**

**C.R.P. Nos. 2540 OF 2001**
**&**
**256 OF 2002**

**.....**
**Dated this the 7th December, 2007**

**O R D E R**